

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

SZ DJI Technology Co., Ltd. et al.,)	CASE NO.: 5:16-cv-595-BRO (KKx)
Plaintiffs,)	JOINT RULE 26(f) REPORT
v.)	Hearing Date: August 15, 2016
Yuneec International Co. Ltd. et al.,)	Hearing Time: 1:30 p.m.
Defendants.)	Courtroom: 14
		Complaint Filed: April 1, 2016
Yuneec USA, Inc.,)	Judge: Hon. Beverly Reid O'Connell
Counter-Claimant,)	
v.)	
SZ DJI Technology Co. et al.,)	
Counter- <u>Defendants</u> .)	

1 Plaintiffs and Counter-Defendants SZ DJI Technology Co., Ltd. and DJI
 2 Europe B.V. (collectively, “DJI”), Defendant and Counter-Claimant Yuneec USA
 3 Inc. and Defendant Yuneec International Co. Ltd.¹ (collectively, “Yuneec”) submit
 4 the following Joint Rule 26(f) Report pursuant to the Court’s May 25, 2016 Order
 5 Setting Scheduling Conference (ECF # 22).

6 a. Statement of the Case: a short synopsis (not to exceed two pages) of
 7 *the principal claims, counterclaims, and affirmative defenses.*

8 DJI filed a Complaint for Patent Infringement against Defendants Yuneec
 9 International Co. Ltd. (“Yuneec International”) and Yuneec USA, Inc. (“Yuneec
 10 USA”) on April 1, 2016, alleging that Yuneec willfully infringed and continues to
 11 infringe U.S. Patent Nos. 9,164,506 and 9,280,038 (ECF #1) (collectively, the
 12 “Patents in Suit.”)

13 Yuneec USA filed its Answer to Plaintiffs’ Complaint, Affirmative
 14 Defenses, and Counterclaims on May 25, 2016 (ECF # 20). Yuneec USA filed an
 15 Amended Answer to Plaintiffs’ Complaint, Affirmative Defenses, and Amended
 16 Counterclaims on June 27, 2016 (ECF # 28).

17 Yuneec USA asserts the following affirmative defenses: DJI’s failure to
 18 state a claim on which relief can be granted; non-infringement of the Patents in
 19 Suit; invalidity of the Patents in Suit; unenforceability of the Patents in Suit;
 20 prosecution history estoppel; limitation of damages under 35 U.S.C. § 287, 35
 21 U.S.C. §§ 286 and 288; and adequate remedy at law.

22 Yuneec USA filed declaratory judgment counterclaims against DJI for non-
 23 infringement of the Patents in Suit; invalidity of the Patents in Suit; and
 24 unenforceability of U.S. Patent No. 9,280,038 due to inequitable conduct during
 25 the prosecution of the application that issued as U.S. Patent No. 9,280,038.

26 ¹ For purposes of judicial economy and efficiency, Yuneec International joins
 27 this Rule 26(f) Report even though it has not yet made an appearance in the case.
 28 The parties agree that this does not constitute an appearance by Yuneec
 International in the case.

1 DJI filed its Answer to Yuneec USA's Amended Counterclaims on July 21,
2 2016 (ECF # 30).

3 DJI and Yuneec have agreed that the last day for Yuneec International to
4 answer or otherwise respond to the complaint is on August 29, 2016.

5 b. Subject Matter Jurisdiction: *a statement of the specific basis of federal*
6 *jurisdiction, including supplemental jurisdiction.*

7 This is a patent infringement action under the Patent Laws of the United
8 States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. §§ 271 and 281. This Court has
9 original subject matter jurisdiction over patent claims and counterclaims pursuant
10 to 28 U.S.C. §§ 1331 and 1338(a). This Court also has jurisdiction over
11 declaratory judgment actions pursuant to the Federal Declaratory Judgments Act,
12 28 U.S.C. §§ 2201 and 2202, and jurisdiction is conferred on this Court by 28
13 U.S.C. §§ 1331 and 1338(a).

14 c. Legal Issues: *a brief description of the key legal issues, including any*
15 *unusual substantive, procedural, or evidentiary issues.*

16 The issues to be decided in this action include at least the following:

- 17 • The construction of disputed claim terms for the Patents-in-Suit;
- 18 • Whether the accused products infringe or have infringed any claim of
- 19 any of the Patents-in-Suit;
- 20 • Whether the Patents-in-Suit are valid;
- 21 • Whether U.S. Patent No. 9,280,038 is unenforceable;
- 22 • Whether DJI is entitled to a permanent injunction against Yuneec;
- 23 • The amount of DJI's damages for any infringement of any valid and
- 24 enforceable claim;
- 25 • Whether DJI is entitled to enhanced damages pursuant to 35 U.S.C. §
- 26 284; and
- 27 • Whether this case is exceptional and whether either party is entitled to
- 28 attorneys' fees and costs pursuant to 35 U.S.C. § 285.

d. Parties, Evidence, Etc.: a list of parties, percipient witnesses, and key documents on the main issues in the case. For conflict purposes, corporate parties must identify all subsidiaries, parents, and affiliates.

Plaintiffs SZ DJI Technology Co., Ltd. (“DJI SZ”) and DJI Europe B.V. (“DJI BV”) are subsidiaries of iFlight Technology Co., Ltd., a Hong Kong Entity. DJI SZ is a parent to five wholly owned subsidiaries: Hong Kong Dajiang Innovation Technology Co., Limited, Shenzhen SkyTech Co., Ltd., Beijing DJI Culture Media Co., Ltd., DJI Baiwang Technology Co. Ltd., and Shanghai Feilai Information Technology Co., Ltd. DJI BV is the parent to DJI Technology, Inc.

Yuneec Holding Ltd. (Cayman) is the parent company to Yuneec Holding Ltd. (BVI), which is the parent company to four subsidiaries: Firebird Technology Co. Ltd. (HK), Yuneec International Co., Ltd. (HK), Yuneec Technology Co., Ltd. (HK), and Good Flying Investment Co., Ltd. (HK). Yuneec International Co. Ltd. is the parent company to four subsidiaries: Yuneec USA, Inc., Yuneec Europe GmbH, Shanghai Yuneec Digi-Tech Co., Ltd. and Yuneec International (China) Co., Ltd. Good Flying Investment Co., Ltd. (HK) is the parent company to three subsidiaries: Shanghai Hang Seng Electronic Technology Co., Ltd., Haoxiang Electric Energy (Kunshan) Co. Ltd., and Flying Tian Electronic (Shanghai) Co., Ltd.

Percipient witnesses² are identified in DJI’s initial disclosures, including:

- The inventors of the Patents in Suit, including Bo Zang (named inventor of U.S. Patent No. 9,164,506), Li-Chung (Paul) Pan, Xifeng Zhao, and Tao Zhao (named inventors of U.S. Patent No. 9,280,038);
- DJI technical representatives;
- DJI financial representatives, including Yuanyuan (Elsa) Ma;

² The identification of potential percipient witnesses in this Joint Rule 26(f) Report is not an admission by the opposing party of the witness’s relevance to the case.

- 1 • DJI marketing representatives, including Michael Perry and Chaowen
- 2 (Danny) Zheng;
- 3 • DJI sales representatives, including Ting Liu; and
- 4 • Additional witnesses relating to DJI's technology and products,
- 5 finances, sales, and marketing.

6 Percipient witnesses are identified in Yuneec USA's initial disclosures,
7 including:

- 8 • The above-listed witnesses identified by DJI;
- 9 • Shan Phillips, Yuneec USA's Chief Executive Officer; and
- 10 • The prosecuting attorneys for U.S. Patent No. 9,164,506 and U.S.
- 11 Patent No. and 9,280,038, including, but not limited to, Elaine Kim
- 12 (Elaine Lee), Karen Wong, Connie Cheng, Yin Cheung, Dai Jun
- 13 Zhou, Byunghwi "Ben" Rho, and Vernon A. Norviel.
- 14 • Prior art inventors.

15 DJI currently anticipates that key documents on the main issues in the case
16 include:

- 17 • U.S. Patent Nos. 9,164,506 and 9,280,038;
- 18 • File histories for the Patents in Suit;
- 19 • Documents showing conception and reduction to practice of the
- 20 claimed inventions of the Patents in Suit;
- 21 • Technical documents showing the practice of the Patents in Suit by
- 22 DJI;
- 23 • Financial documents showing DJI's lost and delayed sales and
- 24 business opportunities, loss of customer goodwill, and price erosion
- 25 from Yuneec's infringement of the Patents in Suit;
- 26 • Documents and things relating to Yuneec's knowledge and willful
- 27 infringement of the Patents in Suit;
- 28

- Documents and things relating to Yuneec's copying and development of the accused products; and
- Documents and things relating to Yuneec's marketing, sales, customer communications, and financial information for the accused products.

Yuneec currently anticipates that the key documents on the main issues of the case include:

- The Patents in Suit;
- File histories for the Patents in Suit;
- Patents and patent applications related to the Patents in Suit and their file histories;
- Prior art to the Patents in Suit.

e. Damages: *the realistic range of provable damages.*

DJI is seeking lost profit and/or reasonable royalty damages. DJI is further seeking enhanced damages for Yuneec's infringement. DJI will need discovery from Yuneec to accurately calculate damages. At this time, DJI's estimated range of damages for lost sales can be best calculated by multiplying DJI's gross profit per unit by the number of infringing sales made by Yuneec. For sales not lost, DJI's damages may include a reduction in DJI's sale price, increased costs, and/or delayed price increases. At minimum, DJI is entitled to a reasonable royalty.

Yuneec USA seeks relief in the form of declarations of non-infringement and invalidity. Yuneec USA may seek costs and attorneys' fees pursuant to 35 U.S.C. § 285 and any other applicable statute or law.

f. Insurance: *whether there is insurance coverage, the extent of coverage, and whether there is a reservation of rights.*

The parties are not aware of any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment.

g. Motions: *a statement of the likelihood of motions seeking to add other parties or claims, file amended pleadings, transfer venue, etc.*

1 There is a substantial probability that DJI will add additional claims against
2 Yuneec. DJI continues to evaluate whether it is appropriate to do so.

3 After conducting discovery regarding Yuneec's corporate structure, DJI may
4 seek to add additional Yuneec entities as defendants.

5 Yuneec anticipates filing petitions for review of the Patents in Suit before
6 the Patent Trial & Appeal Board, and likely will file a motion to stay this litigation
7 pending the patent office review. Yuneec International Co. Ltd. is considering
8 moving to dismiss for lack of jurisdiction. Yuneec also anticipates filing a motion
9 to invalidate U.S. Patent No. 9,164,506 on the grounds that it does not claim
10 patentable subject matter.

11 DJI will likely oppose a motion to stay and a motion to dismiss for lack of
12 jurisdiction. DJI will also likely oppose a motion to dismiss on the grounds that
13 U.S. Patent No. 9,164,506 allegedly does not claim patentable subject matter.

14 *h. Manual for Complex Litigation: whether all or part of the procedures*
15 *of the Manual for Complex Litigation should be utilized.*

16 The parties do not believe that it will be necessary to utilize any of the
17 procedures of the Manual for Complex Litigation.

18 *i. Status of Discovery: a discussion of the present state of discovery,*
19 *including a summary of completed discovery.*

20 The parties agreed to exchange Rule 26(a)(1) initial disclosures on August 5,
21 2016 pursuant to the deadline set forth in the Federal Rules of Civil Procedure.

22 *j. Discovery Plan: a detailed discovery plan, as contemplated by Rule*
23 *26(f), including the identity of all anticipated deponents and dates by which their*
24 *depositions are to be completed (if possible), anticipated written discovery*
25 *requests, including requests for admission, document requests, and*
26 *interrogatories, and a schedule for completion of all discovery. State what, if any,*
27 *changes in the disclosures under Rule 26(a) should be made, the subjects on which*
28 *discovery may be needed and whether discovery should be conducted in phases or*

1 *otherwise be limited, whether applicable limitations should be changed or other*
2 *limitations imposed, and whether the Court should enter other orders. A statement*
3 *that discovery will be conducted as to all claims and defenses, or other vague*
4 *description, is not acceptable.*

5 DJI will require discovery concerning, among other things: Yuneec's
6 respective accused products; the development, design, structure, and operation of
7 Yuneec's respective accused products; the sales, revenue, profits, and marketing
8 associated with Yuneec's respective accused products; Yuneec's respective
9 knowledge of the Patents in Suit and any analyses or opinions concerning the
10 Patents in Suit; Yuneec's license agreements concerning their respective accused
11 products and related technology and other factors affecting the measure and extent
12 of damages; the bases for any defenses to DJI's claims of infringement; the
13 relevant markets and competition and competitors within those markets; and
14 competition between the parties, including Yuneec's attempts to develop products
15 competitive with DJI's products.

16 Yuneec will require discovery concerning, among other things: DJI's Patents
17 in Suit and any related patents; the conception, reduction to practice, research,
18 and/or development of the subject matter disclosed in the Patents in Suit; all
19 agreements related to the Patents in Suit and any related patents; DJI's licensing
20 activities involving the Patents in Suit; DJI's patent licensing policies or strategies;
21 DJI's investigation into the accused products; DJI's basis for alleging infringement
22 of the Patents in Suit; marking of any DJI or third party products covered by the
23 Patents in Suit; communications concerning the Patents in Suit; purported
24 secondary indicia of non-obviousness; DJI's basis for its damages claims and
25 calculations, including lost profits and reasonable royalty.³

26
27 ³ The identification of potential documents in this Joint Rule 26(f) Report is not
28 an admission by the opposing party of the document's relevance to the case, or of
the appropriate scope of discovery.

DJI anticipates deposing at least the following individuals and further anticipates that the identities of additional deponents will be identified in the course of discovery:

Deponent	Date
Unknown Yuneec technical representative	Before the close of fact discovery
Unknown Yuneec financial representative	Before the close of fact discovery
Unknown Yuneec sales representative	Before the close of fact discovery
Yuneec USA 30(b)(6) representative	Before the close of fact discovery
Yuneec International 30(b)(6) representative	Before the close of fact discovery

Yuneec anticipates deposing at least the following individuals and further anticipates that the identities of additional deponents will be identified in the course of discovery:

Deponent	Date
DJI 30(b)(6) representative	Fall 2016
DJI technical representative	Fall 2016
DJI financial representative(s)	Before the close of fact discovery
Patent prosecutor Elaine Kim/ Elaine Lee	November/ December 2016
Patent prosecutor Karen Wong	November/ December 2016
Patent prosecutor Connie Cheung	November/ December 2016
Patent prosecutor Yin Cheung	November/ December 2016
Patent prosecutor Dai Jun Zhou	November/ December 2016
Patent prosecutor Byunghwi "Ben" Rho	November/ December 2016
Patent prosecutor Vernon A. Norviel	November/ December 2016
Patent prosecutor Esther Kepplinger	November/December 2016
Inventors of the Patents in Suit	Fall 2016, or as soon as possible if foreign discovery processes are necessary.
DJI's technical expert(s)	Spring 2017
DJI's damages expert(s)	Spring 2017
Prior art inventors and foundational witnesses	Fall 2016-Spring 2017

1 The parties agree that the following limits on discovery shall apply.

2 1. **Interrogatories.** DJI will be collectively permitted a total of 25
3 common interrogatories. Yuneec will collectively be permitted a total of 25
4 common interrogatories. The same interrogatory may be served on both plaintiffs
5 or both defendants, but will be counted as one interrogatory. A single
6 interrogatory may address more than one patent and more than one product, yet
7 still be counted as one interrogatory.

8 2. **Fact Depositions.**

9 The parties agree that there will be no limit on the number of third party
10 depositions.

11 DJI's Proposal: DJI may take a total of 150 hours of fact depositions,
12 excluding expert depositions but including third-party depositions. Yuneec may
13 take a total of 150 hours of fact depositions, excluding expert depositions but
14 including third-party depositions.

15 Yuneec's Proposal: DJI and Yuneec may take a total of 10 party
16 depositions, limited to 7 hours per deposition. There will be no limit on the total
17 number of hours for third party depositions, but each third party deposition will be
18 limited to 7 hours.

19 The parties agree that each non-30(b)(6) deposition will be limited to 7
20 hours in length of on-the-record time. A 30(b)(6) deposition is not limited to 7
21 hours, but will be counted against the hours total. Each hour of deposition in a
22 language other than English counts as half an hour of deposition. Regardless of
23 length or the number of natural persons deposed, depositions pursuant to a notice
24 under Fed. R. Civ. P. 30(b)(6) shall collectively count as one deposition. The
25 parties each reserve their right to seek relief from the court to limit the length of
26 any particular deposition or take depositions in excess of the limits described
27 above.

28

1 **3. Third Party Subpoenas.** Any party (DJI, on the one hand, or
 2 Yuneec, on the other) which serves a subpoena upon a third party will
 3 simultaneously serve a copy of such subpoena upon the other party. Moreover,
 4 any party which receives documents from a third-party pursuant to a subpoena will
 5 reproduce those documents to the other party within five (5) business days. Where
 6 reproduction of documents within the above time frame is not possible, the party
 7 which received the documents will provide immediate notice to the other party and
 8 the issue will be resolved by the parties on a case-by-case basis.

9 **4. Requests for Admission.** Each party (DJI, on the one hand, or
 10 Yuneec, on the other) may serve up to fifty (50) substantive requests for admission
 11 and an unlimited number of requests for admission solely as to the authentication
 12 of documents.

13 **5. Privilege Logs.** The parties agree that, absent good cause to the
 14 contrary, neither party shall be required to identify on their respective privilege
 15 logs any document or communication involving trial counsel dated on or after the
 16 filing of the lawsuit, which absent this provision, the party would have been
 17 obligated to so identify on said privilege log. The parties shall exchange their
 18 respective privilege logs at a time to be agreed upon by the parties, or within a
 19 reasonable time after a demand from one of the parties for documents responsive to
 20 requests for production.

21 **6. Proposed Schedule.** The parties' proposed schedule is set forth in the
 22 Schedule of Trial and Pretrial Dates below.

23 *k. Discovery Cut-Off: a proposed discovery cut-off date. N.B. This*
 24 *means the final day for completion of discovery, including resolution of all*
 25 *discovery motions.*

26 The parties' proposed dates for discovery cut-off are set forth in the
 27 Schedule of Trial and Pretrial Dates below.
 28

1 *l. Expert Discovery: whether expert witnesses are contemplated,*
 2 *proposed dates for expert witness disclosures (initial and rebuttal) and expert*
 3 *discovery cut-off under Rule 26(a)(2).*

4 DJI anticipates relying on at least one technical expert and at least one
 5 financial expert. DJI's proposed dates for expert witness disclosures and expert
 6 discovery cut-off under Rule 26(a)(2) are included in the Schedule of Trial and
 7 Pretrial Dates below. At this time, Yuneec anticipates relying on at least one
 8 technical expert and at least one financial expert. Yuneec's proposed dates for
 9 expert witness disclosures and expert discovery cut-off under Rule 26(a)(2) are
 10 included in the Schedule of Trial and Pretrial Dates below.

11 *m. Dispositive Motions: a description of the issues or claims that any*
 12 *party believes may be determined by motion for summary judgment or motion in*
 13 *limine.*

14 DJI anticipates that the issues of infringement and validity will be
 15 appropriate for a motion for summary judgment and/or adjudication. DJI also
 16 anticipates filing motions *in limine* to exclude any prejudicial evidence, cumulative
 17 testimony, and hearsay. DJI reserves the right to identify any additional issues
 18 appropriate for a motion *in limine* at a later date.

19 Yuneec may file a motion to dismiss or for judgment on the pleadings that
 20 one or more claims of U.S. Patent No. 9,164,506 are unpatentable subject matter
 21 under 35 U.S.C. § 101. Yuneec anticipates that the issues of non-infringement,
 22 invalidity, and unenforceability of the Patents in Suit will be appropriate for a
 23 motion for summary judgment and/or adjudication. Yuneec also anticipates filing
 24 motions *in limine*. Yuneec reserves the right to identify any additional issues
 25 appropriate for a motion *in limine* at a later date.

26 *n. Settlement/Alternative Dispute Resolution (ADR): a statement of*
 27 *what settlement discussions or written communications have occurred (excluding*
 28 *any statement of the terms discussed) and a statement selecting one of the three*

1 *ADR Procedures specified in Local Rule 16-15.4 and indicating when the ADR*
 2 *session should occur. Note: If Counsel have received a Notice to Parties of Court-*
 3 *Directed ADR Program (form ADR-08), the case presumptively will be referred to*
 4 *the Court Mediation Panel or private mediation (at the parties' expense). No case*
 5 *will proceed to trial unless all parties, including an officer (with full authority to*
 6 *settle the case) of all corporate parties, have appeared personally at an ADR*
 7 *proceeding.*

8 No substantive settlement discussions have taken place between the parties
 9 at this time. DJI prefers ADR Procedure No. 1 (the parties shall appear before the
 10 district judge or magistrate judge assigned to the case for such settlement
 11 proceedings as the judge may conduct or direct), but is open to ADR Procedure
 12 No. 3 (private mediation). Yuneec proposes ADR Procedure No. 3: private
 13 mediation. The parties propose that settlement proceedings occur on the date set
 14 forth in the Schedule of Trial and Pretrial Dates below, or at the Court's
 15 convenience.

16 o. Trial Estimate: *a realistic estimate, in hours, of the time required for*
 17 *trial and whether trial will be by jury or by court. Each side should specify (by*
 18 *number, not by name) how many witnesses it contemplates calling. If the time*
 19 *estimate for trial given in the Joint Rule 26(f) Report exceeds 10 hours, counsel*
 20 *shall be prepared to discuss in detail the estimate.*

21 Plaintiff DJI anticipates calling approximately 6-8 witnesses at trial and
 22 estimates that DJI will need approximately 3-5 trial days to present its case,
 23 including 1 trial day of rebuttal. Plaintiff DJI estimates the parties will need 8-10
 24 total trial days.

25 Yuneec estimates that trial will last 5-7 days and it anticipates calling about
 26 6 witnesses.

27 p. Trial Counsel: *the name(s) of the attorney(s) who will try the case.*
 28

1 Plaintiff DJI's lead trial counsel is James C. Yoon. Attorneys who may
 2 participate in trial include Ryan R. Smith, Albert Shih, Mary Procaccio-Flowers,
 3 and Lisa D. Zang. Yuneec's lead trial counsel is Bryan Wilson. Attorneys who
 4 may participate in trial include Bitu Rahebi and Alessa Hwang.

5 q. Independent Expert or Master: *whether this is a case where the Court*
 6 *should consider appointing a master pursuant to Rule 53 or an independent*
 7 *scientific expert. (The appointment of a master may be especially appropriate if*
 8 *there are likely to be substantial discovery disputes, numerous claims to be*
 9 *construed in connection with a summary judgment motion, a lengthy Daubert*
 10 *hearing, a resolution of a difficult computation of damages, etc.).*

11 The parties do not anticipate the need for an independent expert or master.

12 r. Timetable: *complete the Schedule of Pretrial and Trial Dates form*
 13 *attached as Exhibit A to this Order and attach it to the Joint Rule 26(f) Report.*
 14 *Please use this form for completion of dates: Civil Schedule of Dates. The entries*
 15 *in the "Weeks Before Trial" column reflect what the Court believes are*
 16 *appropriate for most cases and will allow the Court to rule on potentially*
 17 *dispositive motions sufficiently in advance of the pretrial conference. The form is*
 18 *designed to enable counsel to ask the Court to set different (earlier) last dates by*
 19 *which the key requirements must be completed. Each side should write in the*
 20 *month, day, and year it requests for each event. E.g., for the expert discovery cut-*
 21 *off it might be "05/13/13" for plaintiff and "05/20/13" for defendant, if they*
 22 *cannot agree. At the conference, the Court will review this form with counsel.*
 23 *Each entry proposing Court dates shall fall on a Monday, except the trial date,*
 24 *which is a Tuesday. Counsel should ensure that requested dates do not fall on a*
 25 *holiday. In appropriate cases the Court will order different dates after it hears*
 26 *from counsel. The discovery cut-off date is the last day by which all depositions*
 27 *must be completed, responses to previously-served written discovery must be*
 28 *provided, and motions concerning discovery disputes must be heard. The cut-off*

1 *date for motions is the last date on which motions may be heard, not filed. The*
 2 *Court is not likely to continue this date, and will not do so unless the trial date is*
 3 *also continued.*

4 The parties' completed Schedule of Pretrial and Trial Dates is attached⁴.

5 s. Other Issues: *a statement of any other issues affecting the status or*
 6 *management of the case (e.g., unusually complicated technical or technological*
 7 *issues, disputes over protective orders, extraordinarily voluminous document*
 8 *production, non-English speaking witnesses, ADA-related issues, discovery in*
 9 *foreign jurisdictions, etc.) and any proposals concerning severance, bifurcation, or*
 10 *other ordering of proof.*

11 The parties have agreed that the last day for Yuneec International Co. Ltd. to
 12 answer or otherwise respond to DJI's complaint is August 29, 2016.

13 The parties have agreed to draft a joint protective order based in part on the
 14 Northern District of California's "Model Protective Order for Litigation Involving
 15 Patents, Highly Sensitive Confidential Information and/or Trade Secrets,"
 16 available at <http://www.cand.uscourts.gov/model-protective-orders> (last visited
 17 August 4, 2016).

18 The parties have agreed to draft an e-discovery order based on the Federal
 19 Circuit Advisory Council's Model Order, "[Model] Order Regarding E-Discovery
 20 in Patent Cases," available at [http://www.cafc.uscourts.gov/sites/default/files/](http://www.cafc.uscourts.gov/sites/default/files/announcements/Ediscovery_Model_Order.pdf)
 21 [announcements/Ediscovery_Model_Order.pdf](http://www.cafc.uscourts.gov/sites/default/files/announcements/Ediscovery_Model_Order.pdf) (last visited August 4, 2016).

27 ⁴ Should the Court stay the action pending petitions before the Patent Trial and
 28 Appeal Board, the parties will confer on different deadlines for a proposed
 schedule.

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Respectfully submitted,

Dated: August 5, 2016

WILSON SONSINI GOODRICH & ROSATI
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1 Dated: August 5, 2016

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15 Yuneec USA Inc.

JUDGE BEVERLY REID O'CONNELL
SCHEDULE OF TRIAL AND PRETRIAL DATES⁵

Matter	Time	Weeks before trial	Plaintiff(s) (Request)	Defendant(s) (Request)	Court Order
Trial (jury) Estimated length: ____ days	8:30 am		9/26/17	11/13/17	
Hearing on Disputed Jury Instructions	1:30 pm	-2	9/11/17	10/30/17	
Pretrial Conference; Proposed Voir Dire Q.s. Lodged; file Agreed-to Statement of Case; File Agreed Upon Set of Jury Instructions and Verdict Forms; File Joint Statement re Disputed Instructions, Verdicts, etc. [Jury trial] Hearing on Motions in Limine	3:00 pm	-4	8/28/17	10/16/17	
Lodge Pretrial Conf. Order; File Memo of Contentions of Fact and Law; Exhibit & Witness Lists		-6	8/14/17	10/2/17	
Last date to file Joint Report regarding ADR Proceeding Motions in Limine to be filed		-7	8/7/17	9/25/17	
Last date to conduct ADR Proceeding		-8	7/31/17	9/18/17	
Last day for hearing motions	1:30 pm	-9	7/24/17	9/11/17	
Discovery cut-off [Note: Expert disclosure no later than 70 days prior to this date.]		-10	Expert: 7/17/17 Fact: 5/17/17	Expert: 9/4/17 Fact: 7/13/17	
Rebuttal Expert Reports			6/14/17	8/17/17	
Last Day to File MSJ (49 days before hearing)			6/2/17	7/27/17	

⁵ The parties have agreed to follow the Northern District of California's Local Patent Rules.

1	Matter	Time	Weeks before trial	Plaintiff(s) (Request)	Defendant(s) (Request)	Court Order
2	Opening Expert Reports			5/24/17	7/20/17	
3	Close of Fact Discovery			5/17/17	7/13/17	
4	Final Invalidity Contentions			45 days from service of Final Infringement Contentions	45 days from service of Final Infringement Contentions	
5	Final Infringement Contentions			30 days from issuance of Claim Construction ruling	30 days from issuance of claim construction hearing	
6	Claim Construction Hearing			3/2/17 or at the Court's convenience	3/2/17 or at the Court's convenience	
7	[14 days after Reply Briefs]					
8	[N.D. Cal. P.L.R. 4-6]					
9	Reply Claim Construction Briefs			2/16/17	2/16/17	
10	[7 days after Opposing Briefs]					
11	[N.D. Cal. P.L.R. 4-5]					
12	Opposing Claim Construction Briefs			2/9/17	2/9/17	
13	[14 days after Opening Briefs]					
14	[N.D. Cal. P.L.R. 4-5]					
15	Opening Claim Construction Briefs			1/26/17	1/26/17	
16	[45 days after filing Joint Claim Construction and Prehearing Statement]					
17	[N.D. Cal. P.L.R. 4-5]					
18	Last to Amend Pleadings or Add Parties (90 days from Scheduling Conference)			1/20/17	11/13/17	
19	Claim Construction Discovery Cut-off			1/11/17	1/11/17	
20	[30 days after filing Joint Claim Construction and Prehearing Statement]					
21	[N.D. Cal. P.L.R. 4-4]					
22	Joint Claim Construction			12/12/16	12/12/16	

1	Matter	Time	Weeks before trial	Plaintiff(s) (Request)	Defendant(s) (Request)	Court Order
2	Chart and Prehearing Statement					
3	[60 days after Invalidity Contentions]					
4	[N.D. Cal. P.L.R. 4-3]					
5	Exchange Preliminary Claim Constructions			11/17/16	11/17/16	
6	[21 days after Exchange Proposed Claim Construction Terms]					
7	[N.D. Cal. P.L.R. 4-2]					
8	Exchange Proposed Claim Construction Terms			10/27/16	10/27/16	
9	[14 days after Invalidity Contentions]					
10	[N.D. Cal. P.L.R. 4-1]					
11	Invalidity Contentions and accompanying document production			10/13/16	10/13/16	
12	[45 days after Infringement Contentions]					
13	[N.D. Cal. P.L.R. 3-3 and 3-4]					
14	Infringement Contentions and accompanying document production			8/29/16	8/29/16	
15	[14 days after Scheduling Conference] [N.D. Cal. P.L.R. 3-1 and 3-2]					
16	Deadline for Yuneec International Co. Ltd. to answer or otherwise respond to DJI's complaint			8/29/16	8/29/16	
17	[per agreement by the parties]					
18	Service of Initial Disclosures			8/5/2016	8/5/2016	
19	[14 days after Rule 26(f) Conference]					
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SIGNATURE ATTESTATION

Pursuant to Civil Local Rule 5-4.3.2, I hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by electronic signature with this efiled document.

Dated: August 5, 2016

By: /s/ James C. Yoon
James C. Yoon